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EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented to: Agency(ies) Charge No(s): <input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
Missouri Commission on Human Rights and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr. Ms. Mrs.) Mr. Glenn Murphy		Home Phone (Incl. Area Code) (314) 480-5474	
Street Address 7777 Bonhomme Avenue, Suite 2401		City, State and ZIP Code St. Louis, MO 63105	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name Oracle America, Inc.		No. Employees, Members 15+ Phone No. (Include Area Code) (916) 434-2653	
Street Address 1001 Sunset Boulevard		City, State and ZIP Code Rocklin, CA 95765	
Name		No. Employees, Members Phone No. (Include Area Code)	
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).)		DATE(S) DISCRIMINATION TOOK PLACE	
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input checked="" type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		Earliest Latest March 2015 March 2, 2018 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s))			
Please see attached "Particulars"			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY – When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
6/20/18 Date		Glenn Murphy Charging Party Signature	
		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

Particulars

For approximately five years prior to my termination on March 2, 2018, I was employed at Oracle America, Inc. ("Oracle") as a commissioned salesperson. Around March of 2015, I took approximately five weeks of medical leave due to a right hip replacement. When I returned from leave, I attended a quarterly business review. In the months prior to the quarterly business review, I was told by one of Oracle's vice president's to focus my time on one of my largest clients, Tyson Foods ("Tyson"). After following the vice president's directive, I was then reprimanded by the same vice president for failing to cover all of the accounts in my territory.

During this conversation, I reminded the vice president of the sales' rule of thumb that 80% of sales generally come from 20% of the customer base. I informed him that this rule of thumb was true 50 years ago and is still true today. In response, I was berated and told "that was how old sales people think." Soon thereafter, Oracle's chief executive officer ("CEO"), Mark Hurd, publicly announced Oracle's new hiring profile for its sales people. According to Mr. Hurd, Oracle's hiring strategy was to systematically hire new employees directly out of college, train them, and have them replace Oracle's older (i.e. over 40 years of age) workforce. Even a cursory search of Google reveals that Oracle's philosophy of replacing older workers with workers under the age of 40 is well documented. More troubling, the public nature of Oracle's discriminatory policy demonstrated that it had no concern for the state and federal laws prohibiting such hiring and employment practices

Specifically, my division was composed of three groups. Over time, my group had shrunk from seven people to three, and the other two groups had substantial turnover whereby Oracle was systematically replacing employees over the age over 40 with younger employees. Although, within my group specifically, much of the turnover was voluntary, Oracle's decision to replace said employees with younger employees was part of a larger, systemic policy of recruiting a younger workforce. During 2018 and prior to my termination, I was at approximately 150% of my sales' goal for the year, and had I not been terminated, there is a high likelihood I would have exceeded my goal/quota for the year. In fact, when I was terminated, my immediate supervisor stated on at least three different occasions that I was a great salesperson who had successfully completed every task assigned to me.

By way of example, prior to my termination, I was assigned a very difficult task with one of Oracle's large and my largest clients, Tyson. Specifically, Tyson had experienced a nearly complete turnover of its executive team, so I was tasked with building from the ground up relationships with Tyson's new executive team. This task was especially difficult, as I had previously built and successfully

fostered relationships with Tyson's previous management team, but I had no such relationship with the new executives. Despite the challenges associated with this assignment, I received a verbal commitment from Tyson's new chief technology officer to meet with Oracle's executives. Ultimately, I was able to meet with two of Tyson's key decision makers and convince them to attend a briefing at Oracle's headquarters in Silicon Valley, California.

On or about February 28, 2018, my vice president, Andy Zschach, and I made a call to Tyson. While preparing for the call, my conversation with Mr. Zschach was upbeat. Because Mr. Zschach and I seemed to have a good working relationship, I decided to make him aware of some back issues I was experiencing related to a herniated disk. During this conversation, I informed Mr. Zschach that my herniated disk may require surgery. Two days later, on March 2, 2018, my employment with Oracle was terminated. Despite having closed nearly a million dollars in sales over the prior two months, I was informed that I was terminated due to "an account management issue."

In addition to my Tyson account, I also received an email from a senior vice president at another one of my accounts congratulating me on my efforts in closing a large deal with his St. Louis, Missouri based company. He actually informed me that he never thought the deal would happen because of his customers' distrust of Oracle, but he credited my hard work in convincing the company to give Oracle a chance to prove itself to the company's customers.

I believe that, as a result of Oracle's systematic preference for a much younger (i.e. recent college graduate) work force, my age was a motivating factor in Oracle's decision to terminate my employment. Due to my strong sales' numbers, I believe "an account management issue" was merely a pretextual basis for terminating my employment, and the real reason for my termination was Oracle's desire to replace its older workers with recent college graduates. In that regard, Oracle's policies were in direct violation of the Age Discrimination in Employment Act ("ADEA") and the Missouri Human Rights Act ("MHRA"). I was a member of a class of persons protected under the ADEA and MHRA by virtue of my age. More specifically, as of the date of my termination, I was 63 years old.

Moreover, I also believe that reporting my possible need for back surgery to my supervisor was also a motivating factor in Oracle's decision to terminate my employment, as I believe Oracle viewed this particular type of injury as a threat to its overall productivity which they believed was predominantly related to my age. Thus, I was a member of a class of persons protected under the Americans with Disabilities Act ("ADA") by virtue of the herniated disk in my back that affected one or more of my major life functions. In short, I believe my disability was a motivating factor in Oracle's decision to terminate my employment; a decision that was in direct violation of both the ADA and the MHRA. Additionally, I

believe Oracle retaliated against me for engaging in the protected activity of disclosing my disability, and because my disability may require surgery, a likely future need for reasonable accommodations related to the same.

Although my disability affected one or more of my major life functions, due to the nature of my job, I was capable of performing my job responsibilities with or without reasonable accommodations. Regardless, because my employment with Oracle was terminated two days following my conversation with my supervisor regarding my disability and the possible need for surgery, neither Oracle nor its supervisors ever engaged me in an interactive process to determine what reasonable accommodations may meet my needs.

Class Allegations

I also believe that Oracle's discriminatory practices as they relate to age extend well beyond me. I believe its discriminatory policies are a pattern and practice of the company as a whole and reflect the decisions of upper management to specifically hire young, recent college graduate, employees. The result of Oracle's CEO's stated discriminatory practice of replacing older workers (i.e. over 40) with young employees who are often hired directly out of college. As a result of Oracle's discriminatory policy, older employees have been discriminated against with regard to the terms and conditions of their employment.

In conclusion, I believe that I was discriminated against, retaliated against, and ultimately terminated due to my age, and disability in violation of the ADEA, ADA, and MHRA.